

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1279 be amended to read as follows:

- 1 Page 11, line 12, delete "(as defined in".
- 2 Page 11, line 13, delete "IC 8-1-34-14)".
- 3 Page 11, line 13, delete "customers, as determined by the" and insert
- 4 **"customers."**
- 5 Page 11, line 14, delete "commission in carrying out its duties under
- 6 IC 8-1-34."
- 7 Page 30, delete lines 23 through 42, begin a new paragraph and
- 8 insert:
- 9 **"Sec. 1. As used in this chapter, "incumbent cable operator"**
- 10 **means the cable operator (as defined in 47 U.S.C. 522(5)) serving**
- 11 **the largest number of cable service subscribers in a particular**
- 12 **unit."**
- 13 Page 31, delete lines 1 through 6.
- 14 Page 31, line 7, delete "8." and insert **"2."**
- 15 Page 31, line 8, delete ":".
- 16 Page 31, delete line 9.
- 17 Page 31, line 10, delete "(2)".
- 18 Page 31, line 10, delete "video service" and insert **"cable"**.
- 19 Page 31, run in lines 8 through 10.
- 20 Page 31, line 11, after "system" insert **"(as defined in 47 U.S.C.**
- 21 **522(7))"**.
- 22 Page 31, delete lines 12 through 42, begin a new paragraph and
- 23 insert:
- 24 **"Sec. 3. As used in this chapter, "unit" has the meaning set forth**
- 25 **in IC 36-1-2-23.**

1 **Sec. 4. As used in this chapter, "video programming" has the**
2 **meaning set forth in 47 U.S.C. 522(20).**

3 **Sec. 5. (a) A unit shall make a local franchise available to any**
4 **entity other than the unit's incumbent cable operator that seeks to**
5 **provide video programming in the unit by means of any facilities**
6 **that in whole or in part make use of public rights-of-way,**
7 **regardless of technology. A franchise made available under this**
8 **subsection must contain identical terms and conditions to the**
9 **franchise in effect for the incumbent cable operator serving the**
10 **unit.**

11 **(b) The unit shall make the local franchise described in**
12 **subsection (a) available for execution not more than fifteen (15)**
13 **days after the unit's receipt of a written application that is in a**
14 **form acceptable to the unit and contains all the information**
15 **required by the unit.**

16 **(c) An entity that does not have a franchise may not provide**
17 **video programing by means of any facilities, regardless of**
18 **technology, that in whole or in part make use of public**
19 **rights-of-way."**

20 Delete pages 32 through 45.

21 Page 46, delete lines 1 through 40.

22 Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 20, 2006.)

Representative Messer